

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 62, “State Standards for Progression in Reading,” Iowa Administrative Code.

Iowa Code section 279.68, regarding the successful progression for early readers, was amended substantially by 2017 Iowa Acts, House File 642, during the 2017 Legislative Session of the Iowa General Assembly.

Item 1 of the amendments is a technical change not brought about by 2017 Iowa Acts, House File 642. This change to Chapter 62 is necessary because the alternate assessment currently available is not also suitable for universal screening or progress monitoring.

Iowa Code section 279.68(1)“a” is amended by 2017 Iowa Acts, House File 642, section 27, to ensure that school districts continue to provide intensive reading instruction beyond grade three until the student is reading at grade level. Item 2 of the amendments reflects that statutory change.

Iowa Code sections 279.68(1)“c” and 279.68(2)“e,” which would have required school districts, beginning May 1, 2018, to offer an intensive summer reading program for students persistently at risk in reading by the end of grade three, are repealed by 2017 Iowa Acts, House File 642, sections 28 and 29. Item 3 of the amendments reflects that statutory change.

Iowa Code sections 279.68(3) and 279.68(5), regarding the promotion to grade four of students persistently at risk in reading by the end of grade three, are repealed by 2017 Iowa Acts, House File 642, section 30. Item 4 of the amendments reflects that statutory change.

Items 5 and 6 of the amendments make clarifying changes based upon the amendments to Iowa Code section 279.68 made by 2017 Iowa Acts, House File 642.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the July 5, 2017, Iowa Administrative Bulletin as **ARC 3149C**. Public comments were allowed until 4:30 p.m. on July 25, 2017. A public hearing was held on that date. No one attended the public hearing, and no public comments were received. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 279.68 as amended by 2017 Iowa Acts, House File 642.

These amendments will become effective October 4, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 62.3(6) as follows:

62.3(6) *Alternate assessment.* If an individual with a disability has been determined to require an alternate assessment aligned to alternate academic achievement standards in reading, pursuant to rule 281—41.320(256B,34CFR300), that individual shall receive such alternate assessment, as well as alternate universal screening and progress monitoring required by this chapter on instruments approved by the department. ~~The progress monitoring required by the alternate assessment in reading required for such an individual shall be deemed to satisfy the universal screening and progress monitoring requirements of rule 281—62.2(256,279).~~

ITEM 2. Amend subrule 62.4(3) as follows:

62.4(3) *Services offered to all students who are persistently at risk in reading.* A school district shall provide intensive reading instruction to any student who is persistently at risk in reading, as defined in subrule 62.4(1). A school district shall continue to provide the student with intensive reading instruction until the student is reading at grade level, at grade levels beyond grade three if necessary, as determined by the student’s consistently proficient performance on valid and reliable measures of reading ability that meet the requirements of rule 281—62.2(256,279). All services provided under this subrule shall comply with rule 281—62.6(256,279).

ITEM 3. Rescind and reserve rule **281—62.5(256,279)**.

ITEM 4. Rescind and reserve rules **281—62.7(256,279)** and **281—62.8(256,279)**.

ITEM 5. Amend subrule 62.10(1) as follows:

62.10(1) *Services beyond third grade.* Students who are identified as persistently at risk in reading at the end of third grade remain entitled to intensive reading instruction. ~~Nothing in this chapter shall be construed to prevent a school district from offering scientific research-based instruction in reading to students above third grade.~~ Nothing in this chapter shall be construed to prohibit a school district from determining a student above third grade is persistently at risk in reading or from providing services to a student so identified.

ITEM 6. Amend **281—Chapter 62**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section ~~256.7(31) as amended by 2016 Iowa Acts, chapter 1123, and section 279.68 as amended by 2014 Iowa Acts, chapter 1077, and 2016 Iowa Acts, chapter 1123~~ 2017 Iowa Acts, House File 642, sections 27 through 30.

[Filed 8/9/17, effective 10/4/17]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/30/17.